

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

RYAN ANWAY, )  
                  )  
Petitioner,     )  
                  )  
v.               ) Case No. CIV-09-325-R  
                  )  
PAUL A. KASTNER, Warden,     )  
                  )  
Respondent.     )

**REPORT AND RECOMMENDATION**

Mr. Ryan Anway has filed a petition for habeas relief. Rather than pay the filing fee, Mr. Anway moved for leave to proceed *in forma pauperis*. The motion indicates that Mr. Anway has \$77.58, and the filing fee is only \$5.00.<sup>1</sup> Because Mr. Anway has adequate funds for the filing fee, the undersigned recommends that the Court: (1) deny the motion for leave to proceed *in forma pauperis*, (2) order payment of the filing fee within twenty days,<sup>2</sup> and (3) dismiss the action without prejudice if Mr. Anway fails to timely pay the filing fee or show good cause for the failure to do so. *See* W.D. LCvR 3.3(e).

The Petitioner is advised of his right to object to this report and recommendation by April 16, 2009. *See* W.D. Okla. Local Civil Rule 72.1. If the Petitioner does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that if he does not timely object, he

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<sup>1</sup> *See* 28 U.S.C. § 1914(a) (2000).

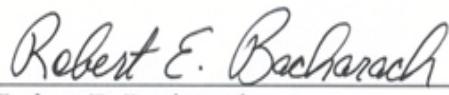
<sup>2</sup> *See* W.D. Okla. LCvR 3.3(e).

would waive his right to appellate review over a denial of pauper status in the district court.

*See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation terminates the referral.

Entered this 27th day of March, 2009.

  
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Robert E. Bacharach  
United States Magistrate Judge